
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DEAN JEFFRIES L. GOODRIDGE,
Individually and as Personal Representative
of the Estate of TAYLOR GOODRIDGE,
Deceased,

Plaintiff,

v.

DIAMOND RANCH ACADEMY, INC. a
corporation; JOHN DOE I,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE A
SECOND AMENDED COMPLAINT

Case No. 4:22-cv-00102-DN-PK

District Judge David Nuffer
Magistrate Judge Paul Kohler

This matter is before the Court on Plaintiff's Motion for Leave to File a Second Amended Complaint.¹ Plaintiff seeks to amend the Complaint to name Big Springs Properties, LLC in place of the Doe Defendant and to include AmberLynn Wigton, Taylor's mother, as a named Plaintiff. Defendant has not responded to the Motion and the time for doing so has expired.²

Generally, once a responsive pleading is filed, "a party may amend its pleading only with the opposing party's written consent or the court's leave."³ "The court should freely give leave when justice so requires."⁴ "In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of

¹ Docket no. 18, filed March 29, 2023.

² DUCivR 7-1(a)(4)(D)(ii) ("A response to a motion must be filed within 14 days after service of the motion.")

³ Fed. R. Civ. P. 15(a)(2).

⁴ *Id.*

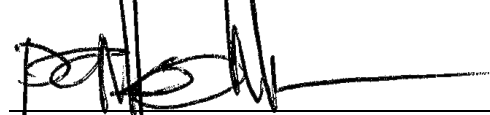
allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’”⁵ Here, there is no evidence of undue delay, bad faith, dilatory motive, repeated failures to cure, undue prejudice, or futility. Therefore, leave will be given. However, Plaintiff’s proposed Second Amended Complaint fails to adequately allege the members and citizenship of those members of Big Springs Properties, LLC.⁶ Such allegations are necessary for the Court to assure itself that complete diversity exists. Therefore, Plaintiff’s Second Amended Complaint must include such allegations.

It is therefore

ORDERED that Plaintiff’s Motion for Leave to File a Second Amended Complaint (Docket No. 18) is GRANTED. Plaintiff shall file his Second Amended Complaint within fourteen (14) days of this Order.

DATED this 17th day of April, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Paul Kohler', is written over a horizontal line.

PAUL KOHLER
United States Magistrate Judge

⁵ *Foman v. Davis*, 371 U.S. 178, 182 (1962).

⁶ “For diversity purposes, a limited liability company ‘takes the citizenship of all its members.’” *Spring Creek Expl. & Prod. Co., LLC v. Hess Bakken Inv., II, LLC*, 887 F.3d 1003, 1014 (10th Cir. 2018) (quoting *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1234 (10th Cir. 2015)).